IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 526/2006
(Kishan Lal Vs. State of Rajasthan)

Date of Order : 11/10/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Umesh Shrimali for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 21.1.2006 passed by Additional Sessions Judge No.1, Chittorgarh (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 21.10.2005 passed by Judicial Magistrate, Chittorgarh (for short 'the trial court' hereinafter) was dismissed.

I have heard learned counsel for the petitioner and public prosecutor for the State. Carefully gone through the orders passed by the trial court and the revisional court.

Both the courts below concurrently found on the basis of the material placed before it that there is ground to

presume that the petitioner committed the offences for which the charges have been framed against him. On close scrutiny of the material, in my view, the conclusion arrived at by the courts below cannot be said to be erroneous.

Learned counsel for the petitioner wishes to rely on certain documents which are not the part of challan. In my view, such documents which are not the part of challan, cannot be considered at the time of framing charge in view of decision of Hon'ble Supreme Court in State of Orissa Vs. Debenedra Nath Padhi, JT 2004 (10) SC 303. In the circumstances, therefore, no case for interference in the inherent jurisdiction is made out.

The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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